

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/529,479 Confirmation No.: 8086
Applicant : Lasse L. HESSEL et al.
Filed : March 28, 2005
Title : A METHOD FOR DETECTING, SCREENING AND/OR MONITORING
A CANCER IN AN INDIVIDUAL
TC/Art Unit 1636
Examiner: Daniel M. Sullivan
Docket No. : 59866.000004
Customer No. : 21967

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBSTANCE OF TELEPHONE CONVERSATIONS

Applicants provide summaries of two telephone conversations, on November 5 and 20, 2007, between the undersigned Applicants' representative and Mr. Kevin Little of the Office of Initial Patent Examination, at the U.S. Patent and Trademark Office (USPTO).

On November 5, 2007, Applicants contacted Mr. Little, advised that they wished to correct the Official Filing Receipt (OFR) issued on September 29, 2005, to make it consistent with the documents in the file of this application No. 10/529,479 (the "Application"), and asked if an expedited procedure existed for doing so. Mr. Little offered to correct the OFR during the telephone conversation.

Applicants' representative pointed out that the September 29, 2005 OFR had an incomplete Domestic Priority, Foreign Applications, and Assignment data.

In particular, the representative said that the domestic priority data did not specify that this Application is also a CIP of U.S. application number 10/117,030, filed on April 8, 2002, which was a CIP of U. S. application number 09/546,573, filed on April 10, 2000, now U.S. Patent No. 7, 108, 983 (the "983 patent").

Applicants also pointed out that the '983 patent claimed the benefit from Denmark patent application DK 1999 00476, filed on April 9, 1999. Further, Applicants' representative pointed out that the application is now assigned to Rigshospitalet, Public University Hospital, in addition to Hvidovre Public Hospital.

Applicants noted that all of the above information was included in various documents in the file, such as the Application Data Sheet (ADS), the Preliminary Amendment, and the unexecuted Declaration, all filed on March 28, 2005 (when this Application was filed), and subsequently in several other documents filed in the Application, including the executed Declaration, filed on February 6, 2007, and assignments recorded on February 8 and February 12, 2007.

Mr. Little advised Applicants that his review of the record in the application was consistent with the above information and he made the necessary corrections in the OFR during the telephone conversation and in all the other relevant records of the USPTO. Mr. Little advised that the corrected OFR should be issued shortly, probably on November 6, 2007.

On November 20, 2007, Applicants contacted Mr. Little and requested assistance in correcting a few minor typographical errors in the corrected OFR, dated November 6, 2007. The errors were:

1. the name of the first assignee needed to be corrected to read "Hvidovre Public Hospital";
2. in the address of the second assignee, the second instance of "Copenhagen, Denmark" was redundant;
3. in the Foreign Applications section, the citation of the second foreign application needed to be corrected to read "DENMARK DK 1999[[9]] 00476 09/04/19990 04/09/1999."

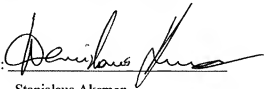
Mr. Little advised Applicants that he reviewed the file of the application, found that it supported the suggested corrections, and corrected the November 6, 2007 OFR, and that a second corrected OFR would be issued on November 21, 2007. Applicants understand that all the other relevant records of the USPTO were also corrected.

Applicants wish to express their appreciation to Mr. Little for his assistance.

The correction of the benefit of Denmark patent application DK 1999 00476 is also consistent with an Interview Summary dated October 29, 2007, summarizing a separate telephone interview of October 1, 2007, between Applicants' representative and Mr. Daniel M. Sullivan, the Examiner, copy attached. During that interview, Applicants' representative requested clarification of the statement in the July 6, 2007 Office Action denying benefit of DK 1999 00476. Mr. Sullivan stated that his review of the record appeared to indicate the denial was in error.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Applicants believe that no fees are necessary in connection with this paper. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-2478 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
Roberts, Mlotkowski & Hobbes

by: 
Stanislaus Aksman
Registration No. 28,562

Dated: November 21, 2007

Enclosure

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59866.4

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,479	03/28/2005	Nils Brunner	59866.000004	8086

21967 7590 10/29/2007
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OCT 30 2007

EXAMINER

SULLIVAN, DANIEL M

ART UNIT

PAPER NUMBER

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MAIL DATE

DELIVERY MODE

10/29/2007

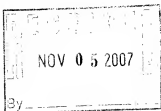
PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

B.10/30/07

TRANSFERRED



Received on 11-5-07
Docketed By DL
Verified by
Roberts Mlotkowski & Hobbes PC

Interview Summary

Application No.

10/529,479

Applicant(s)

BRUNNER ET AL.

Examiner

Daniel M. Sullivan

Art Unit

1636

All participants (applicant, applicant's representative, PTO personnel):

(1) Daniel M. Sullivan.

(3) _____.

(2) Stanislaus Aksman.

(4) _____.

Date of Interview: 01 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: _____.

Identification of prior art discussed: _____.

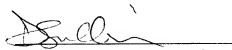
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative requested clarification of the statement at page 3, paragraph 2 of the Office Action mailed 6 July 2007 denying benefit of Danish patent application DK 1999 00476. Upon reviewing the record it appears that the denial of benefit on the ground that the foreign application was filed more than 1 year prior to the US filing date of the instant application is in error. Benefit of DK 1999 00476 was claimed in US application 09/546,573 of which the instant application is a continuation-in-part. (Application Data Sheet filed 28 March 2005.)

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record.
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135 (35 U.S.C. 132).

37 CFR § 1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unestablished script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner.

- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.